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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

TIFFANY CHUHYON KIM,

Defendant and Appellant.

D060275

(Super. Ct. Nos. SCN277333,
SCN290565)

APPEAL from a judgment of the Superior Court of San Diego County, Daniel B. Goldstein, Judge. Affirmed.

INTRODUCTION

Tiffany Chuhyon Kim appeals from a judgment following negotiated guilty pleas. Appellate counsel requested this court conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. After reviewing the entire record, we identified no reasonably arguable appellate issues and affirm the judgment.

BACKGROUND

In case No. SCN277333, Kim pleaded guilty to illegal use of personal identifying information (Pen. Code, § 530.5, subd. (a)),¹ possessing a forged driver's license (§ 470b), second degree burglary (§ 459), and obtaining personal identifying information of more than 10 people with intent to defraud (§ 530.5, subd. (c)(3)). On the change of plea form, as the factual basis for the plea, Kim stated she "unlawfully used identifying information of another to obtain credit, goods, services; possessed a forged driver's license; unlawfully entered a building [with] intent to commit theft; obtained personal identifying information of 10 or more persons, with intent to defraud." She confirmed this statement at the change of plea hearing. In exchange for Kim's guilty plea, the People agreed to dismissal of the remaining charges in case No. SCN277333, a stipulated prison term of three years to be served concurrently with the sentence in case No. SCN290565 and the dismissal of case No. SCN288831.

In case No. SCN290565, Kim pleaded guilty to illegal use of personal identifying information (§ 530.5, subd. (a)) and second degree burglary (§ 459). On the change of plea form, as the factual basis for the plea, Kim stated she "unlawfully used personal identifying information of another; unlawfully entered a building with intent to commit theft." She confirmed this statement at the change of plea hearing. In exchange for her guilty plea, the People agreed to dismissal of the balance of the charges in case No.

¹ Further statutory references are also to the Penal Code unless otherwise stated.

SCN290565, a stipulated prison term of three years to be served concurrently with the sentence in case No. SCN277333 and the dismissal of case No. SCN288831.

At the sentencing hearing, consistent with the parties' plea agreements, the trial court sentenced Kim to three years in prison. In her brief, Kim states the trial court subsequently granted her postappeal motion under section 1237.1 to correct her presentence custody credits in case No. SCN290565, and awarded her an additional day of credit in that case.

DISCUSSION

Appellate counsel filed a brief summarizing the facts and proceedings below. Counsel presented no argument for reversal, but asked this court to review the record for error as mandated by *People v. Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, appellate counsel listed as possible, but not arguable, issues: (1) whether the trial court deprived Kim of an additional day of presentence custody credit in case No. SCN277333;² (2) whether the trial court applied the appropriate versions of sections 4019 and 2933 to determine Kim's presentence custody credits; (3) whether the trial correctly found the stipulated sentences precluded Kim from being committed to the California Rehabilitation Center (CRC) under Welfare and Institutions Code section 3051; and (4) whether the trial court abused its discretion in finding Kim's excessive criminality precluded a CRC commitment for her (collectively, *Anders* issues).

² Appellate counsel indicated Kim is intentionally declining to pursue, or waiving, this issue because a favorable outcome would not affect her release date.

We offered Kim the opportunity to file a brief on her own behalf. She has not responded.

Our review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the *Anders* issues, has not disclosed any reasonably arguable appellate issues. Appellate counsel has competently represented Kim on appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

NARES, J.

O'ROUKE, J.